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Information in normal typeface is already existing code.]**

Chapter 8.40 ON-SITE SEWAGE SYSTEMS*

Sections:

Article I. Purpose and Administration

- [8.40.010](#) Purpose, objectives, and authority.
- [8.40.020](#) Application and scope.
- [8.40.030](#) Administration and fees.
- [8.40.040](#) Definitions.
- [8.40.050](#) Local management and regulation.

Article II. General Requirements

- [8.40.060](#) Applicability.
- [8.40.065](#) Special applicability to marijuana businesses.
- [8.40.070](#) Connection to public sewer system.

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8.40.065 Special applicability to marijuana businesses.

(1) When considering whether this chapter may be applied to new, repaired, replaced, or existing OSS for residential or nonresidential sources of sewage consisting at least in part of marijuana wastes regulated by WAC 314-55-097, now or as hereafter amended or supplemented, the health officer shall determine whether the treatment, siting, design, installation, operation, and maintenance measures necessary for public health are comparable to those to which this chapter are applied for non-marijuana wastes. The determination may include testing of the inflow or outflow, inspection, and/or other measures designed to determine whether the presence of marijuana wastes should be regulated under this chapter versus as industrial wastewater.

(2) If the health officer determines that OSS subject to subsection (1) of this section is comparable to OSS for non-marijuana waste regulated under this chapter, this chapter shall apply in the same manner as it does to OSS for non-marijuana waste, except where marijuana-specific environmental or regulatory factors dictate otherwise.

(3) If the health officer determines that OSS subject to subsection (1) of this section is not comparable to OSS for non-marijuana waste regulated under this chapter, this chapter shall not apply. Rather, the rules governing underground injection control wells from Chapter 173-218 WAC, now or as hereafter amended, shall apply, and dangerous waste regulations under Chapter 173-303 WAC may also apply. For such OSS, the Washington Dept. of Ecology shall enforce the applicable regulations. If the Washington Dept. of Ecology determines that the OSS is exempt from its regulations, however, this chapter shall apply.

(4) The manner in which OSS are to be utilized for residential or nonresidential sources of sewage consisting at least in part of marijuana wastes regulated by WAC 314-55-097, now or as hereafter amended or supplemented, shall be conformed to this chapter in the approved operating plan required by LCC 5.20.030. For OSS under subsection (3) of this section, the health officer shall notify the Washington Dept. of Ecology to enable it to approve or disapprove of any OSS specified or required in the operating plan.